Supreme Court, U.S.
FILED
07-134 JUL 30 2007
OFFICE OF THE CLERK

No. ____

IN THE

SUPREME COURT OF THE UNITED STATES

Clarence L. Vance,
Petitioner

v.

People of the State of Illinois,
Respondent

On Petition For Writ of Certiorari To
The Illinois Seventeenth Judicial Circuit Court
County of Winnebago

PETITION FOR WRIT OF CERTIORARI

Clarence L. Vance
Petitioner, Pro Se
2203 Halsted Rd.
Rockford, IL 61103
(815) 637-2986

QUESTION PRESENTED FOR REVIEW

The criminal charges in the instant action are based entire on a document issued as authorized in a Bankruptcy Court proceeding initiated by the Federal Complaint filed on February 24, 1999. Said Complaint alleged an ownership of the subject real estate contrary to the ownership established by the Public Title Records, which Records were confirmed, judicially, by the prior state-court FINAL JUDGMENT ORDER rendered in Winnebago Circuit Court Case 97-ED-1 on October 27, 1998. All parties named in said Federal Complaint were either named parties or in privity with named parties to said previously rendered final state-court judgment.

Should the criminal charges based entire upon said document be dismissed?

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Clarence L. Vance, - Petitioner, Pro Se
2203 Halsted Road
Rockford, Illinois 61103
(815) 637-2986

Paul A. Logli, - Respondent
Winnebago County State's Attorney
400 West State Street
Rockford, Illinois 61101
(815) 987-3160

In addition thereto:

Lisa Madigan, - Respondent
Illinois Attorney General
Criminal Appeals Division
100 West Randolph Street, 12th Floor
Chicago, Illinois 60601
(312) 814-3000

No Corporate Entities involved other than the State of Illinois and the County of Winnebago.

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APPENDIX H - Adversary Complaint filed on February 14, 1999 as Bankruptcy Case 99-A-5023.

APPENDIX I - Document entitled "TRUSTEE'S DEED" upon which the subject criminal charges are based.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Exxon Mobil, Corp. v. Saudi Basic Industries, Corp., 2005, 161 L.Ed.2d 454	5-8, 10
Garry v. Geils, 1996, 7th Cir., 82 F.3d 1362	8, 10
Lance v. Dennis, 2006, 163 L.Ed.2d 1059	5, 6, 9, 10
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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

The Pro Se Petitioner respectfully asks that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The Decision of the State Trial Court cites no authorities, appears at Appendix A to this Petition and is unpublished.

The order of the Illinois Supreme Court denying Petitioner's request for review of the Trial Court's Decision cites no authorities, appears at Appendix B to this Petition and is unpublished.

The order of the Illinois Supreme Court denying Petitioners Motion to Reconsider said denial cites no authorities, appears at Appendix C to this Petition and is unpublished.

BASIS OF JURISDICTION IN THIS COURT

The date on which the Illinois Supreme Court denied Petitioner's request for review was May 15, 2007. A copy of that decision appears at Appendix B.

A timely Motion for Reconsideration was thereafter denied on June 27, 2007. A copy of that decision appears at Appendix C.

The jurisdiction of this Court is invoked under 28 U.S.C. 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

28 U.S.C. 1257(a):

> "Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States."

Illinois Supreme Court Rule 603:

> "Appeals in criminal cases in which a statute of the United States or of this State has been held invalid and appeals by defendants from judgments of the circuit courts imposing sentence of death shall lie directly to the Supreme Court as a matter of right. All other appeals in criminal cases shall be taken to the Appellate Court."

Illinois Supreme Court Rule 606(f):

"Upon receipt of the copy of the notice of appeal transmitted to the reviewing court pursuant to paragraph (a) of this rule, or the entry of an order granting a motion for leave to appeal under paragraph (c) of this rule, the clerk of the reviewing court shall enter the appeal upon the docket."

STATEMENT OF THE CASE

The Illinois Department of Transportation filed a Complaint for Condemnation as Winnebago County Circuit Court Case No. 97-ED-1 on January 29, 1997. Said Complaint was filed "*to ascertain the just compensation for taking the property sought to be taken for highway purposes*" (APPENDIX D-1) by the State of Illinois and to be paid to the lawful owner of the subject real estate. The State Bank of Davis was a named party Defendant in said 97-ED-1 Case (APPENDICES D-1, E-1, & F-1).

Petitioner, Clarence L. Vance, filed an individual Voluntary Chapter 7 Petition for Relief in the United States Bankruptcy Court for the Northern District of Illinois, Western Division, as Case No. 97-B-50687 on March 10, 1997, and, on his schedules, listed three (3) creditors and real estate that he owned as being "NONE".

Said State Bank of Davis, being the only creditor to appear in said Bankruptcy Case, appeared as "*a secured creditor*" only and obtained an order on April 25, 1997, in which said creditor "*is given relief from the automatic stay in order to pursue its state court remedies.*"

The Winnebago County Circuit Court rendered its FINAL JUDGMENT ORDER in said 97-ED-1 Case on October 27, 1998, and therein incorporated the "*Stipulation for Final Judgment Order entered into between the parties*" and confirmed "*The Order of October 27, 1998, vesting the plaintiff with fee simple title*" (APPENDIX D-3, Paras. 2 & 3).

Said final state-court judgment confirmed, judicially, the Winnebago County Recorder's Office Title Records establishing the lawful Title to the subject real estate, consisting of "*TOTAL AREA 181.400 AC.*" prior to the taking of the subject Parcel and the "*AREA REMAINING 178.618 AC.*" (APPENDIX F-3) after the taking of said Parcel, to be vested in "*4. The remaining interested party . . . Harriet P. Vance as Trustee under a Declaration of Trust dated October 22, 1993, known as the Thousand Hills Trust No. 1*" (APPENDIX D-2).

Despite the fact that said state-court judgment was adverse to the claims of losing party Defendant State Bank

of Davis, no timely review or modification of said state-court judgment was sought in any Court.

Four (4) months after the rendering of said state-court judgment, the attorney for the Trustee of the Bankruptcy Estate of Clarence L. Vance filed an Adversary Complaint, initiating Case No. 99-A-5023 on February 24, 1999 (APPENDIX H), and therein alleged an ownership of the subject real estate contrary to the ownership so established and confirmed by said prior final state-court judgment. Said attorney was, at that very same time, also one of the attorneys for said State Bank of Davis, "*a secured creditor of this estate*" (APPENDIX H-3, Para. 13).

Each party named in said Adversary Complaint as well as said State Bank of Davis is a party to said prior state-court judgment. Said Bankruptcy Trustee, as a consequence of being in privity with said State Bank of Davis, is also a party to said prior state-court judgment.

On the basis of said contrary ownership claim, said Adversary Complaint asked said Bankruptcy Court "*to enter an order authorizing the Trustee to sell the Farm Property . . .*" (APPENDIX H-5). Said Federal Complaint, in essence, called for a review of said previously rendered final state-court judgment and to thereupon effectively void said judgment for the benefit of said Bankruptcy Estate, which Estate, of Record, had no unsecured creditors and no unsecured claims filed against it.

Said Bankruptcy Court did entertain said contrary ownership claim and thereupon "*authorized*" a "*Sale*" of said real estate to be conducted.

Prior to that "*Sale*", Alan F. Miller and Craig Dummer were each provided with a copy of instruments establishing that the Bankruptcy Court Order that "*authorized*" such "*Sale*" was based on a claim of ownership of the subject real estate contrary to that conclusively adjudicated by said prior state-court judgment. In utter disregard of said instruments, said Alan F. Miller became a "*Purchaser*" of a portion of said real estate.

Based upon said Bankruptcy Court authorization and said "*Sale*", a document entitled "*TRUSTEE'S DEED*",

pertaining to a "*Parcel*" of said real estate and dated September 26, 2000 (APPENDIX I), was issued to "*ALAN F. MILLER, ("Purchaser")*" by "*THOMAS J. LESTER, Trustee of the Bankruptcy Estate of Clarence L. Vance, Case No. 97 B 50687*". Said Craig Dummer thereafter became the "*Tenant*" of said ALAN F. MILLER on said "*Parcel*".

Subsequently, said ALAN F. MILLER and said Craig Dummer, despite having reason to know that the said document was so issued in disregard of said previously rendered final state-court judgment, initiated numerous criminal charges against said Petitioner from October 18, 2001 until August 21, 2002. Each such charge alleged that Petitioner either trespassed upon or caused damage on the subject real estate supposedly owned by ALAN F. MILLER.

Respondent Paul A. Logli obtained, *ex parte*, a Bill of Indictment against said Petitioner on December 5, 2001, pertaining to the alleged October 18, 2001 felony charge.

The criminal charges and Indictment currently at issue are based entire upon, and derive from, the subject document so issued to said ALAN F. MILLER.

Petitioner did not become aware of the pertinence of 28 U.S.C. 1257(a) or the existence of the *Rooker-Feldman* doctrine of this Court until September of 2004. Since then, the clarifications of said doctrine set forth in the *Exxon Mobil* and *Lance v. Dennis* decisions of this Court have increased Petitioner's understanding of said doctrine.

Prior to a scheduled trial, Petitioner filed his MOTION TO DISMISS INVALID CRIMINAL CHARGES in the trial court on October 16, 2006. Said Motion cited numerous *Rooker-Feldman* doctrine decisions and other pertinent decisions establishing that said document, issued by the Bankruptcy Court in the 28 U.S.C. 1257 statutory absence of subject matter jurisdiction, is a nullity and void. Said Motion also set forth that said criminal charges and said Indictment, being based entire on said document, are also void and should be dismissed, with prejudice.

The trial court denied said MOTION TO DISMISS INVALID CRIMINAL CHARGES by an order dated December 1, 2006 (APPENDIX A) which therein stated, in

pertinent part, that:

"*The Rooker-Feldman is in-applicable to these state court proceedings.*"

Petitioner filed a timely Motion directed against said December 1, 2006 Order on December 29, 2006. The trial court, without explanation, "*Heard and Denied*" that Motion on February 12, 2007.

Petitioner timely filed a Notice of Appeal directly to the Illinois Supreme Court on March 13, 2007, pursuant to Illinois Supreme Court Rule 603 which provides, in pertinent part, that: "*Appeals in criminal cases in which a statute of the United States or of this State has been held invalid . . . shall lie directly to the Supreme Court as a matter of right.*"

The Clerk of the Illinois Supreme Court declined to file and docket said Appeal "*for want of compliance with Supreme Court 303(b)(3)*", which Rule pertains entire to civil appeals. Thereafter, Petitioner timely filed a Motion for an order to direct said Clerk to file and docket said Criminal Appeal, pursuant to Rule 606(f) which requires, in pertinent part, that: "*Upon receipt of the copy of the notice of appeal transmitted to the reviewing court . . . the clerk of the reviewing court shall enter the appeal upon the docket.*"

Said Motion was denied on May 15, 2007 (APPENDIX B).

Petitioner timely filed a Motion for Reconsideration on June 4, 2007. Said Motion was denied on June 27, 2007 (APPENDIX C).

REASON FOR GRANTING THE PETITION

"This case concerns what has come to be known as the *Rooker-Feldman* doctrine, ..." Exxon Mobil Corp. vs. Saudi Basic Industries, Corp., 161 L.Ed.2d 454, 460.

This Supreme Court has stated that: "this court has never applied *Rooker-Feldman* to dismiss an action for want of jurisdiction. *Exxon Mobil, supra,* at 287." Lance v. Dennis, 163 L.Ed.2d 1059, 1065.

This Petition provides this Court with such an opportunity.

The October 27, 1998 Winnebago County Circuit Court FINAL JUDGMENT ORDER (APPENDIX D) conclusively adjudicated and confirmed, judicially, the Public Title Records establishing the lawful ownership of the subject real estate.

"Unless and until . . . reversed or modified [the state-court judgment] would be an effective and conclusive adjudication." Exxon Mobil Corp., supra, at 464 footnote.

The State Bank of Davis, being the losing party Defendant to said state-court judgment:

> ". . . had an adequate remedy for review of the State Court determinations by appeal or by petition to the Supreme Court of the United States for a writ of certiorari. (It) chose not to resort to either remedy. (Its) failure to petition the appropriate forum acted as a waiver of the right to seek reversal of the State Court determinations." Reich v. City of Freeport, U.S. District Court, N.D. Illinois, W.D, 388 F.Supp. 953, 956.

"*Rooker-Feldman* bars a losing party in state court from seeking what in substance would be appellate review of the state judgment in a United States district (i.e., bankruptcy) court, ..." Exxon Mobil Corp., supra, 463.

Nevertheless, said Federal Complaint, in the absolute disregard of 28 U.S.C. 1257 and *Rooker-Feldman*, asked said Bankruptcy Court "*to enter an order authorizing the Trustee to sell the Farm Property*" (APPENDIX H-5) based on an ownership claim contrary to the ownership so confirmed by said previously rendered state-court judgment.

This Court has held such federal suits to be impermissible and:

> "emphasized that appellate jurisdiction to reverse or modify a state-court judgment is lodged, initially by §25 of the Judiciary Act of 1789, 1 Stat. 85, and now by 28 U.S.C. 1257, exclusively in this Court. Federal (bankruptcy) courts . . . are empowered to exercise original, not appellate, jurisdiction. . . . (Said Federal Complaint) . . . essentially invited (a) federal court() of first instance to review and

> reverse (an) unfavorable state-court judgment(). We declared such suits out of bounds, *i.e.*, properly dismissed for want of subject matter jurisdiction. . . . Among federal courts . . . Congress had empowered only this Court to exercise appellate authority 'to reverse or modify' a state-court judgment. . . ." Exxon Mobil Corp., supra, at 461.

"'Review of such determinations,' the *Feldman* opinion reiterated, 'can be obtained only in this Court.'" Exxon Mobil Corp., supra, at 462.

> "Because 1257 as long interpreted, vests authority to review a state court's judgment solely in this Court, the (Bankruptcy Court) . . . lacked subject matter jurisdiction. 'The *Rooker-Feldman* doctrine . . . does not authorize (bankruptcy) courts to exercise appellate jurisdiction over state-court judgments, which Congress has reserved to this Court, see 1257(a)." Exxon Mobil Corp., supra, at 466.

Nevertheless, said Bankruptcy Court did entertain said Federal Complaint and subsequently authorized the issuing of the document upon which the subject criminal charges are based entire. By so doing, said Bankruptcy Court engaged in an impermissible appellate review of, and thereupon effectively voided, said previously rendered state-court judgment.

> "A (bankruptcy) court engages in impermissible appellate review when it hears claims that are 'inextricably intertwined' with the state court decision. . . . We have also held that claims for relief are barred by *Rooker-Feldman* if upholding the claims and granting relief would effectively void the state court ruling." Levin v. ARDC, 74 F.3d 763, 766.

This Court in *Feldman*: "found that (federal) claims that are 'inextricably intertwined' with state court judgments negate federal (bankruptcy) court jurisdiction because such claims 'in essence' call for review of the state court's decision." Garry v. Geils, 82 F.3d 1362, 1369.

> "The *Rooker-Feldman* doctrine . . . includes three requirements: (1) the party against whom the doctrine is invoked must have actually been a party to the prior state-court judgment or have been in privity with such a party; (2) the claim raised in the federal suit must have been actually raised or inextricably intertwined with the state-court judgment; and (3) the federal claim must not be parallel to the state-court claim." Lance v. Dennis, supra at, 1063

Accordingly, the *Rooker-Feldman* doctrine is applicable to said Federal Complaint in that all of said pertinent requirements were satisfied as follows: (1) All parties to said Federal Complaint were named parties to said prior state-court judgment or in privity with such a party; (2) The claim of ownership of the subject real estate alleged in said Federal Complaint was inextricably intertwined with the ownership of said real estate so established and confirmed by said prior state-court judgment; and (3) Said federal claim was not parallel in that the previous state-court judgment was rendered four months prior to the filing of said Federal Complaint.

Said Bankruptcy Court impermissibly entertained the contrary claim of ownership alleged in said Federal Complaint and subsequently "*authorized*" a "*Sale*" of the said real estate and the issuing of the subject document upon which said criminal charges are based. In so doing, said Bankruptcy Court exercised an appellate jurisdiction by usurping that jurisdiction granted exclusively to this Court by the Congress of the United States in and since 1789.

> "This Court is vested, under 28 U.S.C. §1257, with jurisdiction over appeals from final state-court judgments. We have held that this grant of jurisdiction is exclusive: 'Review of such judgments may be had *only* in this Court.' . . . Accordingly, under what has come to be known as the *Rooker-Feldman* doctrine, lower federal courts are precluded from exercising appellate jurisdiction over final state-court judgments." Lance v. Dennis, supra at

1064.

"Every judgment of a court rendered without jurisdiction is a nullity -- not merely voidable but void -- and may be disregarded. It is subject to attack by any person at any time in any court and in any proceeding in which it is brought in question." People v. Miller, 339 Ill 573, 578, 579.

Petitioner "*brought in question*", to the Illinois Trial Court, the fact that said Bankruptcy Court, despite the 28 U.S.C. 1257 absence of subject matter jurisdiction to reverse or modify said prior state-court judgment, issued the subject orders which effectively nullified said judgment and that those orders, and the said document resulting therefrom, are "*a nullity*" and "*void - and may be disregarded*".

The said Bankruptcy Court actions have drawn in question the validity of both said United States Statute and the *Rooker-Feldman* doctrine and are contrary to, and in conflict with, pertinent decisions of federal courts superior to said Bankruptcy Court, to wit:

(A) The Reich v. City of Freeport [1] decision of the District Court, of which said Bankruptcy Court is a part;

(B) The Garry v. Geils and the Levin v. ARDC decisions of the United States Seventh Circuit Court of Appeals;

(C) The Exxon Mobil and Lance v. Dennis decisions of this Court.

The subject decisions of the Illinois Trial Court and the Illinois Supreme Court effectively legitimize said Bankruptcy Court's usurpation of the appellate jurisdiction

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Woodruff A. Burt, as Counsel for the prevailing City of Freeport, successfully argued, in the very same District Court, the 28 U.S.C. 1257 absence of subject matter jurisdiction of that Court to review the prior state-court judgment in that Case. That District Court decision adopted the argument of said Counsel. Said Woodruff A. Burt was also Legal Counsel for the State Bank of Davis during the 99-A-5023 Bankruptcy proceedings, from which said document originated, and was involved in consultations with the attorney for the Trustee of the Bankruptcy Estate of Clarence L. Vance during those proceedings.

granted exclusively to this Court by the Congress of the United States, and, unless or until reversed or modified, will effectively allow other usurpations of said exclusive appellate jurisdiction of this Court to proliferate.

Said decisions of the Illinois Trial Court and the Illinois Supreme Court are in conflict with both said United States Statute and said *Rooker-Feldman* doctrine and said decisions have further drawn in question the validity of said United States Statute and said doctrine.

CONCLUSION

It is the duty and the obligation of this Court to protect and maintain the federal appellate jurisdiction lodged exclusively in this Court, in and since 1789, by the Congress of the United States as so authorized by the Constitution of the United States. The failure of this Court to protect and maintain said exclusive federal appellate jurisdiction will constitute an unauthorized abandonment of said exclusive jurisdiction.

Failure to grant the writ will change the course of over 200 years of American Jurisprudence and will initiate an uncharted, unauthorized, unrestrained and self-subsistent practice in American Jurisprudence contrary to well settled and long established principles of Law.

THEREFORE, in consideration of the premises, the Petitioner asks this Court to exercise its supervisory power and thereby grant a writ of certiorari and either hear the instant cause or remand said cause back to the State Trial Court with instructions consistent with said 28 U.S.C. 1257 and *Rooker-Feldman* doctrine decisions of this Court.

Date: July 30, 2007

Respectfully submitted,

Clarence L. Vance

Clarence L. Vance

STATE OF ILLINOIS

CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT

WINNEBAGO COUNTY

PEOPLE	)	Case No. 01 CF 2701
	)	01 CM 8121
vs.	)	02 CM 637
	)	02 CM 3066
CLARENCE L. VANCE	)	02 CM 6438
	)	

ORDER

As to the Defendant's Motion To Dismiss, the Court finds as follows:

1) The ownership interest of Alan Miller is irrelevant to the issue of whether damage was done to property belonging to Craig Dummer.

2) The issue raised by the Defendant are res judicata as already determined by the action in 97 ED 1, and the Bankruptcy proceeding.

3) The Rooker-Feldman is in-applicable to these state court proceedings.

Accordingly, the Defendant's Mo. to Dismiss is Denied, and the case set for status and further proceedings on January 10, 2007 at 1:30 pm.

Dated: "12/1/06" "s/Richard W. Vidal"
JUDGE

(APPENDIX A)

(SEAL)
SUPREME COURT OF ILLINOIS
SUPREME COURT BUILDING
SPRINGFIELD 62701

May 15, 2007

Mr. Clarence L. Vance
2203 Halsted Rd.
Rockford, IL 61103

TODAY THE FOLLOWING ORDER WAS ENTERED:

No. 104564 - People State of Illinois, appellee, v. Clarence L. Vance, appellant, Miscellaneous.

Motion by appellant, pro se, for an order to direct the Clerk of this Court to file and docket the subject criminal appeal as is required by Supreme Court Rule 606(f). Motion Denied.

Order entered by the Court.

cc: Hon. Lisa Madigan
State's Attorney Winnebago County

(APPENDIX B)

(SEAL)
SUPREME COURT OF ILLINOIS
SUPREME COURT BUILDING
SPRINGFIELD 62701

June 27, 2007

Mr. Clarence L. Vance
2203 Halsted Rd.
Rockford, IL 61103

In re: People State of Illinois, appellee, v.
Clarence L. Vance, appellant. No.104564

Today the following order was entered in the captioned case:

Motion by appellant, pro se, to reconsider the order entered by this Court on May 15, 2007, denying the motion to direct the Clerk of this Court to docket the subject criminal appeal. Motion Denied.

Order entered by the Court.

Very truly yours,

"s/Juleann Hornyak"
Clerk of the Supreme Court

cc: Hon. Lisa Madigan
State's Attorney Winnebago County

(APPENDIX C)

"0038057 08/01/2000 04:19P 2 of 8 "s/Kenneth Staaf"
Ken Staaf, Winnebago County Recorder

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17Th JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO
CASE NO. 97-ED-1

"FILED Date "10/27/98" MARC A. GASPARINI Clerk of the Circuit Court WINNEBAGO COUNTY, ILLINOIS"

THE DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS, BY ILLINOIS ATTORNEY GENERAL JAMES E. RYAN,

Plaintiff,

vs.

MOLLY SCHWARTZ TARBERT, LUANN SCHWARTZ DESMOND AUDREY SCHWARTZ KELLY, KIM SCHWARTZ, JON SCHWARTZ, all heirs at law of OLGA SCHWARTZ, deceased; CLARENCE L. VANCE; HARRIET P. VANCE; HARRIET P. VANCE as Trustee under a Declaration of Trust dated October 22, 1993, known as the Thousand Hills Trust No. 1; STATE BANK OF DAVIS; GENERAL CASUALTY; and ROBERT CLAIR,

Defendants.

FINAL JUDGMENT ORDER

THE MATTER coming onto be heard on the Complaint for Condemnation of the Department of Transportation, State of Illinois, to ascertain the just compensation for taking the property sought to be taken for highway purposes, as more fully set forth in said complaint, Plaintiff having appeared by James E. Ryan, Attorney General, State of Illinois, through Mary J. Gaziano, Special Assistant Attorney General, and Harriet P. Vance as Trustee under a Declaration of Trust dated October 22, 1993, known as the Thousand Hills Trust No. 1, having appeared pro se, and with the Court having been presented with the original Stipulation for Final Judgment Order duly executed by the parties, **THIS COURT FINDS:**

1. All defendants other than Harriet P. Vance as Trustee under a Declaration of Trust dated October 22, 1993, known as the Thousand Hills Trust No. 1, have been dismissed with prejudice or defaulted pursuant to prior court orders. Harriet P. Vance as Trustee under a Declaration of Trust dated October 22, 1993, known as the Thousand Hills Trust No. 1, has entered her appearance, and this Court has jurisdiction of the subject matter of this proceeding and all parties.

2. Due notice of this hearing has been given, and the demand for trial by jury has been waived by the plaintiff and the remaining defendant.

3. The parties have entered into a Stipulation for Final Judgment Order which was duly filed and is a part of the Court record.

4. The remaining interested party in Parcel No. 291YY11/6 which is legally described in Exhibit "A-1" [1], which is attached hereto and incorporated by reference, is Harriet P. Vance as Trustee under a Declaration of Trust dated October 22, 1993, known as the Thousand Hills Trust No.1.

5. Said party is entitled to receive the total sum of Eight thousand forty-three and no/100 dollars ($8,043.00), being Seven thousand one hundred and no/100 dollars (7,100.00) for the fair market value of the property taken in fee simple and Nine hundred forty-three and no/100 dollars ($943.00) for damages to the remainder, as full and just compensation for the fee simple title to Parcel No. 291YY11/6 and for damage to the remainder.

6. On or about October 9, 1998, Plaintiff deposited with the Winnebago County Treasurer the preliminary just compensation amount of Eight thousand forty-three and no/100 dollars ($8,043.00). The parties agree that Eight thousand forty-three and no/100 dollars ($8,043.00) is the total amount to be paid to settle this case.

IT IS THEREFORE, ORDERED AND ADJUDGED

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The Exhibit "A-1" legal description is attached as (APPENDIX G).

AS FOLLOWS:

1. Since the parties have agreed that Eight thousand forty-three and no/100 dollars ($8,043.00) is the final judgment amount, the Plaintiff shall not be required to deposit any additional funds with the Winnebago County Treasurer beyond the Eight thousand forty-three and no/100 dollars ($8,043.00) deposited on October 9, 1998 as the preliminary just compensation amount. Accordingly, no judgment for any monetary amount shall be entered as all amounts due to be paid by the Plaintiff have already been deposited with the Winnebago County Treasurer's Office. The Winnebago County Treasurer shall pay the sum of Eight thousand forty-three and no/100 dollars ($8,043.00) to Harriet P. Vance as Trustee under a Declaration of Trust dated October 22, 1993, known as the Thousand Hills Trust No. 1 upon presentation of a certified copy of the instant Final Judgment Order.

2. The terms of the Stipulation for Final Judgment Order entered into between the parties shall be incorporated into and made a part of the instant order.

3. The order of October 27, 1998, vesting the plaintiff with fee simple title to Parcel No. 291YY11/6 is hereby confirmed.

DATED: "10/27/98" **ENTER:** "s/J. Todd Kennedy"
JUDGE

APPROVED AS TO FORM:
"/Harriet P. Vance, Trustee"
Harriet P. Vance as Trustee under a Declaration of Trust dated October 22, 1993, known as the Thousand Hills Trust No. 1

PREPARED BY:
Attorney Mary J. Gaziano - #281
One Court Place, Suite 200
Rockford, Illinois 61101
(815) 962-6800
Attorney for Plaintiff

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17Th JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO

CASE NO. 97-ED-1

THE DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS, BY ILLINOIS ATTORNEY GENERAL JAMES E. RYAN,

Plaintiff,

vs.

MOLLY SCHWARTZ TARBERT, LUANN SCHWARTZ DESMOND AUDREY SCHWARTZ KELLY, KIM SCHWARTZ, JON SCHWARTZ, all heirs at law of OLGA SCHWARTZ, deceased; CLARENCE L. VANCE; HARRIET P. VANCE; HARRIET P. VANCE as Trustee under a Declaration of Trust dated October 22, 1993, known as the Thousand Hills Trust No. 1; STATE BANK OF DAVIS; GENERAL CASUALTY; and ROBERT CLAIR,

Defendants.

STIPULATION FOR FINAL JUDGMENT ORDER

NOW COMES the Department of Transportation, State of Illinois, Plaintiff, by James E. Ryan, Attorney General, and Mary J. Gaziano. Special Assistant Attorney General, and the remaining defendant, Harriet P. Vance as Trustee under a Declaration of Trust dated October 22, 1993, known as the Thousand Hills Trust No. 1, proceeding pro se, both of whom do hereby stipulate and agree as follows:

1. On January 29, 1997, the plaintiff filed its Complaint for Condemnation relating to certain property to be acquired in fee simple title, name Parcel No. 291YY11/6, the legal description of which as corrected is

more fully described in Exhibit "A-l" [1], which exhibit is attached hereto, incorporated herein, and made a part hereof.

2. All defendants other than Harriet P. Vance as Trustee under a Declaration of Trust dated October 22, 1993, known as the Thousand Hills Trust No. 1, have been dismissed with prejudice or defaulted pursuant to prior court orders. Harriet P. Vance as Trustee under a Declaration of Trust dated October 22, 1993, known as the Thousand Hills Trust No. 1, has entered her appearance, and this Court has jurisdiction of the subject matter of this proceeding and all parties.

3. The cause of action is, by virtue of this stipulation and the Final Judgment Order to be filed, fully compromised and settled.

4. A motion was heretofore filed herein by the plaintiff for the immediate vesting of title in plaintiff to Parcel No. 291YY11/6, and on September 22, 1998 the Court entered an order pursuant to a hearing that date finding the amount of the preliminary just compensation to be a total of Eight thousand forty-three and no/100 dollars ($8,043.00), and on October 27, 1998, the Court entered an order vesting the plaintiff with fee simple title to Parcel No. 291YY11/6, and the Court did authorize plaintiff to take immediate possession of the property.

5. The sum of Eight thousand forty-three and no/100 dollars ($8,043.00), being Seven thousand one hundred and no/100 dollars ($7,100.00) for the fair market value of the property taken and Nine hundred forty-three and no/100 dollars ($943.00) for damage to the remainder is agreed to be just compensation in full to be paid by the

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1

The Legal Description attached as Exhibit "A-1" to the FINAL JUDGMENT ORDER, the STIPULATION FOR FINAL JUDGMENT ORDER and the ORDER VESTING TITLE are each a copy of the same description. That description is included herein as (APPENDIX G) and is from the FINAL JUDGMENT ORDER on file with the Winnebago County Recorder's Office as Doc. 0038057.

plaintiff for the fee simple title to Parcel No. 291YY11/6 and for the damage to the remainder, which parcel is legally described in the attached Exhibit "A-1". With the plaintiff having already paid the preliminary just compensation amount of Eight thousand forty-three and no/100 dollars ($8,043.00) to the Winnebago County Treasurer, the parties agree that no additional amount is due to be paid by the plaintiff.

6. The parties hereto agree to the entering of the Final Judgment Order instanter fixing compensation for the taking of the fee simple title to Parcel No. 29IYY11/6, damage to the remainder, and setting forth the conditions of this stipulation. Said Final Judgment Order is being filed contemporaneously with the instant stipulation. This stipulation is the entire and exclusive agreement of the parties and supersedes any written or oral understanding, promise, or agreement, directly or indirectly related to the eminent domain action. All parties by their signatures hereunder waive any right to a jury trial. The parties further agree that the entry of said Order shall terminate this action.

THE DEPARTMENT OF TRANSPORTATION
STATE OF ILLINOIS, Plaintiff

By: "s/Mary J. Gaziano"
Mary J. Gaziano, Special Assistant Attorney General

Defendant:
"s/Harriet P. Vance, Trustee"
Harriet P. Vance as Trustee under a Declaration of Trust dated October 22, 1993, known as the Thousand Hills Trust No. 1

PREPARED BY:
Attorney Mary J. Gaziano - #281
One Court Place, Suite 200
Rockford, Illinois 61101
(815) 962-6800
Attorney for Plaintiff

"9870197 11/06/1998 12:48P 1 of 9 "s/Kenneth Staaf"
Ken Staaf, Winnebago County Recorder
441-501A (BRK) 09-09-300-004 REC'D NOV 06 1998"

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17Th JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO

CASE NO. 97-ED-1

THE DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS, BY ILLINOIS ATTORNEY GENERAL JAMES E. RYAN,

Plaintiff,

vs.

MOLLY SCHWARTZ TARBERT, LUANN SCHWARTZ DESMOND AUDREY SCHWARTZ KELLY, KIM SCHWARTZ, JON SCHWARTZ, all heirs at law of OLGA SCHWARTZ, deceased; CLARENCE L. VANCE; HARRIET P. VANCE; HARRIET P. VANCE as Trustee under a Declaration of Trust dated October 22, 1993, known as the Thousand Hills Trust No. 1; STATE BANK OF DAVIS; GENERAL CASUALTY; and ROBERT CLAIR,

Defendants.

ORDER VESTING TITLE

THIS CAUSE coming on for hearing this 27th day of October, 1998, upon the Plaintiffs Motion for Entry of Order Vesting Title, due notice having been given to all Defendants, and with the Court being duly advised in the premises,

IT IS, THEREFORE, ORDERED AND ADJUDGED AS FOLLOWS:

Plaintiff shall be and hereby is vested with fee

simple title to Parcel 291YY11/6, and Plaintiff shall be authorized to take immediate possession of the above-mentioned Parcel 291VYI1/6, which parcel is legally described on the attached Exhibit "A-1". [1]

ENTERED: "10/27/98" "s/J. Todd Kennedy"
JUDGE

APPROVED AS TO FORM:

"s/Harriet P. Vance, Trustee"

AFTER RECORDING, RETURN TO:
ILLINOIS DEPARTMENT OF TRANSPORTATION
819 DEPOT AVENUE
DIXON IL 61021

PREPARED BY:
Attorney Mary J. Gaziano - 281
One Court Place, Suite 200
Rockford, Illinois 61101
(815) 962-6800
Attorney for Plaintiff

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1 The Legal Description attached as Exhibit "A-1" to the FINAL JUDGMENT ORDER, the STIPULATION FOR FINAL JUDGMENT ORDER and the ORDER VESTING TITLE are each a copy of the same description. That description is included herein as (APPENDIX G) and is from the FINAL JUDGMENT ORDER on file with the Winnebago County Recorder's Office as Doc. 0038057.

TOWNSHIP 27 NORTH

HARRIET P. VANCE, TRUSTEE
THOUSAND HILLS TRUST NO. I
PARCEL 011/6 1.162 AC.

PART OF THE NORTH HALF OF
THE SOUTHWEST QUARTER AND
THE SOUTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SECTION
9, T. 21 N., R. 10 E. OF THE
FOURTH PRINCIPAL MERIDIAN

TOTAL AREA	181.400	AC.
TOTAL AREA REQ'D	2.702	AC.
AREA IN EX. RDWY.	1.620	AC.
NET AREA REQ'D	1.162	AC.
AREA REMAINING	178.618	AC.

SURVEYOR'S STATEMENT

I hereby state that I am a professional land surveyor in the State of Illinois, that this right-of way survey for F.A.S. Route 49 was made under my direction and that this plat is prepared in accordance with the land acquisition policies and procedures of the Illinois Department of Transportation. Dated this 31 day of March 1994 A.D.

"s/Dale A Rasmussen"
DALE A. RASMUSSEN, IL PLS No. 25313

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[2] Pages "5 of 9" through "9 of 9", of the ORDER VESTING TITLE, are a schematic of the pertinent one-half mile of the subject road construction project. Page "7 of 9" is the only one of those pages that contains information pertinent to the ownership of the subject real estate.

"9870197 11/06/1998 12:48P 3 of 9 "s/Kenneth Staaf"
Ken Staaf, Winnebago County Recorder"

P-30/LAL-4563/377H

Heirs and Devisees of
Olga Schwartz
LAND

FAS. Route 49 (Pecatonica Road)
Section Ya-15d)
(Y-15d, 111, 1MFT)W&RS-2
Parcel 011/6

A parcel of land in the North Half of the Southwest Quarter and in the Southwest Quarter of the Southwest Quarter of Section 9, Township 27 North, Range 10 East of the Fourth Principal Meridian, Winnebago County, Illinois, described as follows:

Beginning at the Northwest Corner of the Southwest Quarter of said Section 9; thence Easterly on the North Line of said Southwest Quarter, said line having a bearing of North 89 degrees 06 minutes 48 seconds East, a distance of 71.33 feet to a point; thence Southerly on a line having a bearing of South 0 degrees 53 minutes 12 seconds East, a distance of 100.00 feet to a point in the Southerly Right-of-Way Line of a public road designated Brick School Road; thence Southerly on a line having a bearing of South 0 degrees 48 minutes 46 seconds West, a distance of 25.30 feet to a point; thence Southerly on a Line having a bearing of South 0 degrees 19 minutes 59 seconds West, a distance of 500.10 feet to a point; thence Southerly on a line having a bearing of South 2 degrees 02 minutes 59 seconds West, a distance of 200.25 feet to a point; thence Southerly on a line having a bearing of South 0 degrees 48 minutes 46 seconds East, a distance of 100.00 feet to a point; thence Southerly on a line having a bearing of South 0 degrees 37 minutes 10 seconds West, a

distance of 200.06 feet to a point; thence Southeasterly on a line having a bearing of South 14 degrees 50 minutes 56 seconds East, a distance of 103.08 feet to a point; thence Southerly on a line having a bearing of South 0 degrees 05 minutes 48 seconds East, a distance of 400.03 feet to a point; thence Southerly on a line having a bearing of South 2 degrees 02 minutes 59 seconds West, a distance of 200.25 feet to a point; thence Southerly on a line having a bearing of South 4 degrees 53 minutes 52 seconds West, a distance of 201.00 feet to a point; thence Southerly on a line having a bearing of South 0 degrees 48 minutes 46 seconds East, a distance of 17.56 feet to a point in the North Line of the premises conveyed to Monte W. Christen and Sharon L. Christen from Bennett Construction Company by Warranty Deed recorded 15 June 1972 as Document Number 72-13-0522 in the Recorder's Office of Winnebago County; thence Westerly on the North Line of said premises so conveyed, said line having a bearing of South 89 degrees 15 minutes 01 second West, a distance of 38.70 feet to a point in the West Line of said Southwest Quarter; thence Northerly on the West Line of said Southwest Quarter, said line having a bearing of North 0 degrees 44 minutes 59 seconds West, a distance of 2042.72 feet to the Point of Beginning.

The above described parcel of land is designated Parcel 011/6, said parcel of land contains 2.782 acres, more or less, of which 1.620 acres, more or less, have been previously set aside for public highway purposes.

For the purpose of this description, said North Line of the Southwest Quarter of Section 9 has been assigned the bearing of North 89 degrees 06 minutes 48 seconds East.

The above description affects Tax Parcel Number 441-501.

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION
("FILED 99 FEB 24 PM 2:01
CLERK OF U.S. BANKRUPTCY COURT")

IN RE:	Chapter 7
CLARENCE L. VANCE,	Case No.
Debtor.	97 B 50687
THOMAS J. LESTER,	ADVERSARY NO.
Trustee,	99 A 5023
Plaintiff,	
v.	
CLARENCE L. VANCE, HARRIET P. VANCE, and HARRIET P. VANCE as Trustee under a Trust Agreement dated October 22, 1993 and known as Thousand Hills Trust Number 1	
Defendants.	

ADVERSARY COMPLAINT TO AVOID FRAUDULENT TRANSFER AND RETURN OF PROPERTY OR ITS VALUE AND OTHER RELIEF

The Trustee, Thomas J. Lester, by and through his attorneys, McGreevy, Johnson & Williams, P.C., states as follows for his adversary complaint to avoid fraudulent transfer and return of property or its value and other relief:

COUNT I: FRAUDULENT CONVEYANCE

1. Thomas J. Lester is the duly qualified and acting Trustee in this case.

2. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. 1334. This is a core proceeding pursuant to 28 U.S.C. 157(b)(2)(A).

3. The debtor, Mr. Clarence L. Vance ("Mr. Vance") filed a voluntary petition under Chapter 7 of the

Bankruptcy Code on March 10, 1997.

4. The Defendant, Harriet P. Vance, is the Debtor's spouse.

5. On May 12, 1983, Mr. Vance received a warranty deed from Ms. Olga Schwartz which granted him an undivided one-half interest in certain real property located the village of Pecatonica, county of Winnebago, state of Illinois, and commonly known as 15858 Brick School Road which is more fully described as follows (hereinafter referred to as the "Farm Property):

> The North Half (1/2) of the Southwest Quarter (1/4) and the Northwest Quarter (1/4) of the South East Quarter (1/4) of Section Nine (9) Township Twenty-seven (27) North, Range Ten (10) East of the Fourth (4th) Principal Meridian, also Lots One through Seven inclusive in the South East Quarter (1/4) of the Southwest Quarter (1/4) as designated upon the Plat accompanying the Commissioner's Report in Cause Number 6224 in the Circuit Court of Winnebago County as said Plat is recorded in Book 63 of Deeds at Page 551 in the Recorder's Office of Winnebago County, Illinois; also the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of the Section, Township and Range aforesaid excepting that part of said premises heretofore conveyed by Deeds recorded in Book 777 of Recorder's Records at Page 46 and Book 1046 of Recorder's Records at page 50 in the Recorder's Office in Winnebago County, Illinois, situated in Winnebago County, State of Illinois.

(See copy of unrecorded warranty deed, dated May 12, 1983, and attached hereto as Exhibit A).

6. Mr. Vance did not record the May 12, 1983 warranty deed until March 26, 1997, approximately 16 days after Mr. Vance had filed his Chapter 7 bankruptcy petition. (See copy of recorded warranty deed, dated May 12, 1983, and attached hereto as Exhibit B). Immediately after Mr. Vance recorded the warranty deed, he also recorded a quit claim deed regarding his interest in the

Farm Property. (See copy of quit claim deed, dated September 2, 1983, and attached hereto as Exhibit C). The Quit Claim Deed was to Harriet P. Vance. The interest transferred to Harriett P. Vance may now be held by a revocable trust under the control of Clarence L. Vance and Harriett P. Vance. The Trust is known as Thousand Hills Trust Number 1.

7. As a result of such conveyance, the Debtor will now attempt to argue to this Court that he does not have any interest in the Farm Property.

8. Mr. Vance conveyed and diluted his interest in the Farm Property for the purpose of evading satisfaction of a judgment against him. The transfer was made with no consideration and the assets retained by Mr. Vance following the transfer were insufficient to satisfy the judgment against Mr. Vance. Mr. Vance became insolvent after the conveyance.

9. The transfer is fraudulent in law and in fact and should be set aside.

10. At the time of the conveyance, Mr. Vance had incurred, or reasonably should have believed that he would incur, debts beyond his ability to pay them as they become due.

11. Mr. Vance is still in possession and control of the Farm Property.

12. Mr. Vance made the conveyance with the intent to hinder, delay, and defraud creditors.

13. The State Bank of Davis is a secured creditor of this estate holding an allowable claim under 11 U.S.C. 502, and was a creditor at the time of the transfer and said conveyance is voidable by said creditor under the Uniform Conveyance Act of the State of Illinois.

14. Pursuant to 11 U.S.C. 544(b), said transfer is voidable by the Trustee.

15. The Trustee is informed and believes that the property fraudulently transferred by Mr. Vance has a fair and reasonable value of approximately $140,000.00.

WHEREFORE, the Trustee, Thomas J. Lester, prays that this Court enter an Order avoiding the

above-described fraudulent transfer, ordering the return of the property so transferred or its value of approximately $140,000.00, and for such other relief as the Court deems necessary and proper.

COUNT II: POST-PETITION TRANSFER

1-15. The plaintiff adopts and re-alleges paragraphs I through 15 of Count I, as though said paragraphs were fully set forth herein as paragraphs 1 through 15 of this Count II.

16. Mr. Vance's conveyance of his interest of the Farm Property was a post-petition transfer avoidable under 11 U.S.C. 549. The transfer was not authorized by the court and it was not made to a good faith purchaser for value.

WHEREFORE, the Trustee, Thomas J. Lester, prays that this Court enter an Order avoiding the above-described post-petition transfer, ordering the return of the property so transferred or its value of approximately $140,000.00, and for such other relief as the Court deems necessary and proper.

COUNT III: SALE FREE AND CLEAR

1-15. The plaintiff adopts and re-alleges paragraphs 1 through 15 of Count I, as though said paragraphs were fully set forth herein as paragraphs 1 through 15 of this Court III.

16. There is presently pending a Motion to Sell Free and Clear of any claims and interest in the Farm Property.

17. Subsequent to the sale pursuant to the sale free and clear of liens and claims, the liens and claims, if any, would attach to the proceeds.

18. Pursuant to 11 U.S.C. 363(h), a partition between the estate and the co-owner's one-half interest in the Farm Property would not be practicable under the circumstances because the Farm Property contains a number of buildings, including a residential house. In addition, the sale of the estate's undivided one-half interest

in the Farm Property would realize significantly less income for the estate than the sale of the Farm Property free of the interest of the co-owner, and the benefit of the sale of the Farm Property greatly outweighs any detriment to the co-owner's interest in the Farm Property.

19. Upon information and belief, the Trustee believes that one-half of the proceeds would be payable to the estate and the other one-half of the proceeds would be payable to Harriett P. Vance.

WHEREFORE, the Trustee, Thomas J. Lester, respectfully requests this Court to enter an order authorizing the Trustee to sell the Farm Property at a price and by a procedure to be determined at a later date, free and clear of all liens and claims, to order one-half of the proceeds payable to the estate and the other one-half payable to Harriett P. Vance, and that the Court grant such other relief as it deems necessary and proper.

THOMAS J. LESTER, TRUSTEE

BY: McGreevy, Johnson & Williams, P.C. His Attorneys

BY: "s/Daniel M. Donahue"
DANIEL M. DONAHUE

Daniel M. Donahue
McGreevy, Johnson & Williams, P.C.
850 North Church Street
P.O. Box 1201
Rockford, Illinois 61105-1201
815-963-8451

(APPENDIX H-5)

" 0048836 09/28/2000 08:33A "s/Kenneth Staaf"
Ken Staaf Winnebago County Recorder
(BRK)pt 441-501A 09-09-300-007 "

TRUSTEE'S DEED "REC'D Sep 28 2000"

THIS INDENTURE, made on September 26, 2000, between **THOMAS J. LESTER**, as Trustee of the Bankruptcy Estate of Clarence L. Vance, Debtor, Case No. 97 B 50687, now pending in the United States Bankruptcy Court for the Northern District of Illinois, Western Division, ("Trustee") and **ALAN F. MILLER**, ("Purchaser").

On March 10, 1997, a voluntary petition was filed in the United States Bankruptcy Court for the Northern District of Illinois, Western Division, pursuant to which an order for relief was entered against Debtor, administration of such Debtors estate was referred to Richard N. DeGunther, Bankruptcy Judge, and now Manuel G. Barbosa, Bankruptcy Judge, and Thomas J. Lester was appointed Trustee of such Debtor's estate and effect, who qualified as Trustee, and has been ever since acting as such Trustee; and

On motion of Trustee, and on due notice to all creditors claiming to hold an interest in the estate and real estate described below, such Court made an order authorizing and directing Trustee to sell the real estate described below free and clear of all liens and other interests in such real estate, such claims of lien and rights to be transferred to the proceeds of the sale; and

Pursuant to such Order, Trustee entered into a Contract for Purchase and Sale with Purchaser for the sum of Sixty-Eight Thousand Four Hundred and Fifty-Two and 58/100 DOLLARS ($68,452.58) and the Bankruptcy Court has entered an Order approving said sale.

NOW, THEREFORE, I, as Trustee of the Estate of Clarence L. Vance, Debtor, and by virtue of the title and powers vested in me by the provisions of the Bankruptcy Code, and by such Orders of the Bankruptcy Court authorizing the sale, and for and in consideration of the sum of Sixty-Eight Thousand Four Hundred and Fifty-Two

and 58/100 DOLLARS ($68,452.58), to me in hand paid by Purchaser, the receipt of which is acknowledged, give, grant, bargain, sell, set over, and convey to Purchaser, **ALAN F. MILLER**, his heirs, executors, and assigns free and clear of all claims of lien and interests therein, all my right, title, and interest in and to the following described real estate:

> Part of the Southwest Quarter (1/4) of Section Nine (9), Township Twenty-Seven (27) North, Range Ten (10) East of the Fourth (4th) Principal Meridian, bounded and described as follows to wit: Beginning at the Southeast corner of the Southwest Quarter of said Section; thence North 89*-50'-57" West, along the South line of said Section, 808.50 feet to the West line of the East 49 Rods of the southeast Quarter of the Southwest Quarter of said Section; thence North 00*-14'-25" East, along the West line of the East 49 Rods of the Southeast Quarter of the Southwest Quarter of said Section, 1303.10 feet to the North line of the Southeast Quarter of the Southwest Quarter of said Section; thence North 89*-48'-30" East, along the North line of the Southeast Quarter of the Southwest Quarter of said Section, 808.52 feet to the Northeast corner of the Southwest Quarter of the Southwest Quarter of said Section; thence South 00*-14'-25" West, along the East line of the Southwest Quarter of said Section, 1307.93 feet to the point of beginning. Subject to the rights of the public and the State of Illinois in and to those portions thereof taken, used or dedicated for public road purposes. Situated in Winnebago County, Illinois.

Subject to: Real Estate Taxes for the year 1997 and all subsequent years, and any and all easements, restrictions, covenants and encumbrances of record.

To have and to hold the same to Purchaser, **ALAN F. MILLER**, his heirs, executors, and assigns forever, as fully and completely as I, as Trustee, by virtue of the powers and authority so vested in me might or should sell

and convey the property.

IN WITNESS WHEREOF, I, as Trustee, have set my hand on this 26 day of September, 2000.

THOMAS J. LESTER, Trustee of the Bankruptcy Estate of Clarence L. Vance, Case No. 97 B 50687

"s/Thomas J. Lester"
THOMAS J. LESTER

STATE OF ILLINOIS)
) SS
WINNEBAGO COUNTY)

I, the undersigned a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT THOMAS J. LESTER personally known to me to be the duly appointed Trustee of the Bankruptcy Estate of Clarence L. Vance, Debtor, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person acknowledged that as such Trustee of said Bankruptcy Estate of Clarence L. Vance, Debtor, he signed and delivered the said instrument as Trustee of said Estate of Clarence L. Vance, Debtor, as his free and voluntary act, and as the free and voluntary act and deed of said Trustee for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 26th day of September, 2000.

"s/Rhonda Holmes"
Notary Public

Commonly known:

(Notary Seal)

Tax Code No.: Part of 441-501A

Future Taxes and Return to:
Alan F. Miller, 411 Sheridan Drive, Loves Park, IL 61111

By: Hinshaw & Culbertson, 100 Park Avenue,
P.O. Box 1389, Rockford, IL 61105, (815) 963-8488